

**Article 11-5**

**PUBLIC GAS SYSTEM**

**Sections:**

- 11-501 Granting Right of Way for Installation of Lines.**  
**11-502 Granting Franchise.**  
**11-503 Amendment of Fee Provision.**  
**11-504 Gas Franchise Granted Mountain Fuel Supply Company.**

**11-501 Granting Right of Way for Installation of Lines.**

John W. Hay, as trustee for a public service utility in the process of incorporation, was granted a right-of-way in Rock Springs for construction of gas pipes. (Ord. No. 137, 4-3-16; 38-4(a), Rev. Ord. 1938; Rev. Ord. 1963).

**11-502 Granting Franchise.**

R.E. Wertz, as trustee for a public service utility in the process of incorporation, was granted a franchise to distribute, deliver and sell natural gas in Rock Springs, together with the right to locate, construct, operate and maintain all necessary and proper appliances appertaining thereto and providing for fee to City. (Ord. No. 215, 7-18-22; 38-4(b), Rev. Ord. 1938; Rev. Ord. 1963).

**11-503 Amendment of Fee Provision.**

The grantee or assignee of the rights and privileges conferred by virtue of Ordinance 215, namely the Northern Utilities Company of Wyoming, shall pay into the treasury of said City the annual amount of Five Hundred (\$500.00) Dollars, provided that if such company's annual gross revenue from all sales to consumers in said City exceeds the amount of Fifty Thousand (\$50,000.00) Dollars, then, the sum of One percent (1%) of such amount shall be paid in addition to the aforementioned sum. (Ord. No. 555, 2-7-38; 38-4(c), Rev. Ord. 1938; Rev. Ord.

1963).

**11-504 Gas Franchise Granted Mountain Fuel Supply Company.**

(a) That there is hereby granted to Mountain Fuel Supply Company, a Utah corporation, its successors or assigns, hereinafter called grantee, the right, privilege and franchise to construct, maintain and operate in the present and future streets, alleys and parkways, and other public places in the City of Rock Springs, a system of gas mains, supply pipes and laterals with all necessary or desirable appurtenances, for the purpose of supplying gas for light, heat, power and other purposes to the City of Rock Spring, the inhabitants thereof, and persons and corporations beyond the corporate limits thereof, for the term and under the conditions hereinafter set forth.

(b) All mains, pipes and laterals shall be so laid as to interfere as little as possible with traffic over the streets and alleys. The location of all mains, pipe lines and laterals may be fixed under the supervision of the governing authorities of the City of Rock Springs.

(c) Grantee may make and enforce reasonable rules and regulations in the conduct of its business and may require before furnishing service the execution of a contract therefor. Grantee shall have the right to contract with each consumer with reference to the installation of service pipe lines and the control of service pipes from the connection thereof with the supply lines of the grantee in the streets, to and including the meter located on the consumer's premises. For the purpose of securing safety and good service to the consumer and in the public interest, grantee shall have the right to prescribe the sizes and kinds of the pipe to be used by the consumer in conveying gas on consumer's premises and shall have the right to refuse service to any consumer who neglects or refuses to comply with the rules and regulations of the grantee prescribing such conditions. Grantee shall have the right to classify the consumers of said gas in the

corporate limits of the City of Rock Springs according to the time of use, character of use, quantity of gas required, and such other conditions as may be reasonable; and subject to the regulations herein provided for, and the rights herein prescribed and such reasonable classifications, the grantee shall furnish gas without unjust discrimination and at a uniform price to all consumers of the same class, and to all persons along the established lines or mains of the grantee, who have properly observed such rules and regulations and acceded to the rights herein reserved to said grantee.

(d) The right is hereby granted unto the said grantee to furnish, distribute, supply, sell and require payment for gas to all persons and corporations in the said City of Rock Springs through the said system of gas mains, supply pipes and laterals, and to do all things necessary and incident thereto, in accordance with the terms and conditions herein specified.

(e) The gas furnished by the grantee shall be sold and delivered to the consumers through standard meters and the City of Rock Springs reserves the right to test the accuracy of any meter in service by a competent officer or agent appointed for that purpose by the Mayor and City Council.

(f) The rates and prices which the grantee, its successors or assigns, may charge for gas and gas service furnished and delivered and the conditions of service under the terms of this franchise shall be fixed in accordance with the laws and constitution of the State of Wyoming and the laws and Constitution of the United States.

(g) Permission is hereby granted unto the said Mountain Fuel Supply company, its successors or assigns, to assign this franchise and all rights hereunder, and upon assignment of this franchise in accordance herewith, said successors or assigns, whether individuals or corporations, shall become entitled to all the rights and privileges herein granted and shall assume all the obligations and duties herein provided.

(h) This franchise and all the rights herein granted shall terminated at the end of

fifty (50) years after the date of passage of this Ordinance, unless sooner terminated by virtue of the provisions herein contained.

(i) This Ordinance and the rights herein conferred shall be null and void unless within ninety (90) days after the passage and posting hereof the said grantee, its successors or assigns, shall file with the Clerk of the City of Rock Springs, a written instrument, declaring its acceptance of the terms and conditions hereof and its intention to be bound by and perform the same.

(j) This franchise is granted in consideration of the acceptance by the grantee of the terms and conditions of this Ordinance as hereinafter provided. It is understood and agreed by and between the said City of Rock Springs and the Mountain Fuel Supply company that the considerations above provided shall be in lieu of any and all other franchise, occupation, privilege, license, excise, revenue or similar taxes, and all other exactions (except ad valorem property taxes and special assessments for local improvements) upon the revenue, property, gas mains, gas supply and distribution pipes, equipment, fixtures, or other appurtenances of said company, and all other property or equipment of said company, excepting and reserving unto the City of Rock Springs the payment by grantee, as consideration for this franchise on or before the first day of February next following termination of each calendar year, the sum of Five Hundred (\$500.00) Dollars, and if such company's gross revenue from all sales of gas to consumers in said City during such year exceeds Fifty Thousand (\$50,000.00) Dollars, one percent (1%) of such excess in addition to such minimum annual payment. Prior to January 25th of each calendar year after the effective date hereof, the Company shall file with the City Clerk a report showing such gross receipts for the preceding twelve (12) calendar months hereof, or the portion thereof since the effective date of the Ordinance, which report shall show, in addition to the amount of such gross receipts, the amount due under this provision, and if the City Clerk finds any

error for the reporting of the same to the Company, and if the tax as paid is found to be deficient, the company shall promptly remit the difference, and if the tax as paid be excessive, the City shall promptly refund the difference, and providing that the records of the Company pertaining to such report shall be open for inspection by the City Council or its duly authorized representative at all reasonable hours upon the giving of reasonable notice of its intention to inspect such records for the purpose of verifying such report.

The term "gross receipts" as used herein shall be construed to mean any receipts of the grantee from the sale of gas within the City of Rock Springs, after adjustment for net write-off of uncollectible accounts and adjustments or corrections of bills theretofore rendered.

(k) When the grantee shall make or cause to be made excavations, or shall place obstructions in any street, alley, or other public place, the public shall be protected by barriers and lights placed, erected and maintained by the grantee: and in the event of injury to any person or damage to any property by reason of negligence of the grantee in the construction, operation or maintenance of the gas distribution system of the grantee, the grantee shall indemnify and keep harmless the City of Rock Springs from any and all liability in connection therewith.

(1) In the opinion of the Mayor and City Council of the City of Rock Springs, it is necessary to the peace, health and safety of the inhabitants of the City of Rock Springs that this Ordinance become effective immediately upon first publication. (Ord. No. 1660, 12-20-65).